

COPY

John H. Benge, Jr.
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947
February 4, 2008

Office of the Clerk
United States District Court
United States Courthouse
844 North King Street, Lockbox 18
Wilmington, DE 19801

08 - 078



Re: New Case Filing
Benge v. DeLoy
§2254 *Habeas Corpus*
Petition

Dear Clerk of the Court:

I enclose with the original of this letter the following documents:

- Original and 3 copies of state prisoner *habeas corpus* petition under 28 U.S.C. §2254; and
- Institution check issued by the Sussex Correctional Business Office for the \$5.00 filing fee for a new case *habeas corpus* filing.

Please note that the original and copies of the §2254 petition together with my inmate voucher for preparation and issuance of a prisoner account check were deposited in the prisoner mail system at Sussex Correctional on February 4, 2008. Those documents will be processed through the Sussex Correctional mailroom, then the prison Business Office for processing of the filing fee check, and then again to the mailroom here before being given to the Postal Service for delivery to your office. I have sent a copy of this letter to you for the purpose of advising your office of my actions on February 4th in the event that the

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documents deposited into the prisoner mail are misdirected or unduly delayed at some point during the institutional process through which those documents must proceed.

Please also note that the *habeas corpus* petition pertains to convictions that are distinct from the two cases that I have had pending before Judge Sleet [Nos., 05-0551(GMS) and 05-051(GMS)]. The enclosed petition is therefore not a second or subsequent petition within the meaning of 28 U.S.C. §2244(c) and habeas corpus Rule 9(b).

Please docket the enclosed petition.

Thank you for your kind consideration and assistance.

Respectfully,

John H. Benge, Jr.

Enc. w/original: original *habeas corpus* petition
3 copies of *habeas corpus* petition
SCI prisoner account check for filing fee

Cc: Clerk of the Court w/o enclosures



Copy

§1746 Certification Of Deposit Into Prisoner Mail System

The undersigned hereby certifies that the following documents were deposited on February 4, 2008 into the internal system maintained at Sussex Correctional Institution, Georgetown, Delaware for the processing of outgoing prisoner mail, first class mail, postage prepaid, and were addressed to:

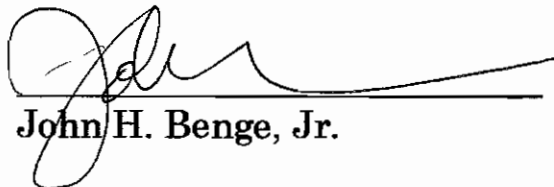
Office of the Clerk
United States District Court
United States Courthouse
844 King Street, Lockbox 18
Wilmington, DE 19801

Original and three copies of habeas corpus petition under 28 U.S.C. §2254;

Inmate voucher for \$5.00 check to be drawn on prisoner account payable to Clerk of the Court for filing fee.

I hereby certify under penalty of the laws of the United States of America that the foregoing is true and correct.

Executed on: February 4, 2008


John H. Bengé, Jr.